

The result of this dissension is that many members of the board feel powerless to carry out their mandate. On occasion some of the Board members have been unable to obtain investigation of facts which they consider essential in order to carry out their function. The investigators have taken the position that the material upon which the Board is to operate is the report prepared by the investigators.

Suggestions or requests that the investigators examine other facts or causes have been met with the observation that the investigation is exclusively within the prerogative of the Director of investigations.

One would ask, why have a board if there is going to be staff who do all of the work? It continues to read:

I have observed that, in the position they have taken, the investigators are supported by the Chairman. The latter has interpreted the provisions of S. 5 of the CASB Act and the provisions of Public Service Employment Act and the Financial Administration Act as conferring on him virtually exclusive power to run the Board and its staff subject to his right to delegate to Board Members such powers as he deems appropriate.

This view does not extend to the Board's power to review the accident reports but as I point out because of the limitations placed upon the Board members by the Director of Investigations the Board is precluded from conducting a meaningful review in many instances.

That is the key element in this legislation and any other legislation. When we as a Parliament establish a board, do we establish it as a rubber stamp of a group of bureaucrats who perhaps have expertise in investigating or administering, or do we give them the authority to take charge? In some cases they may do it through their chairman, in some cases they may do it through a director of investigations, or a chief administrative officer.

We have to be clear in this House as to what role we want to impose on them. I think what Justice Sopinka was saying in his letter to the Minister was that it was not clear. There were those who interpreted the Board as a rubber stamp board, that really the power was within the chair and the Director of Investigations, and that the Board itself could not in any way attempt to focus investigations in a certain area, to point out gaps in investigations, and forthwith have the investigators go and check that area. There seems to be a real gap in the authority and the delegating of authority. That is one of the tasks that we have to assume as members of the transport committee who will be charged with the responsibility of reviewing Bill C-2, that is, to take a look at that relationship.

Transportation Accident Investigation Board

Let me go back again to the letter to the Minister, and I am dealing with another factor. It reads:

The fact that the CASB reports to Parliament through, and has its Estimates presented by the Minister of Transport, has also been referred to as contributing to the appearance of conflict.

Finally the view in the industry is that the competence of the investigators and the quality of their investigations and reports has deteriorated in recent years. Some feel that there is insufficient investigation of human factors, and that the Board lacks technical expertise and facilities. The investigators, on the other hand, complain that they spend valuable time attending as witnesses in court or at coroner's inquests.

Not all of these problems, particularly the last, can be solved by changes in the legislation. Much of the success of the future Board, as in the case of any body or organization, will depend on the quality of people appointed and the resources provided.

I will come back to those aspects later.

• (1210)

I want now to turn to a study done again for the former Minister of Transport by James F. Hickling Management Consultants Ltd. It was submitted to the Minister of Transport on October 30, 1987. At the time the report was held up as an example to say that there were no problems with the Board, that everything was A-okay. However, upon close reading of the report, going beyond some of the summary comments, and if we look at the details of surveys conducted, as well as discussions with board members and with officials and staff of Transport Canada, from commercial aviation and general aviation people and others we find that there is a relatively high level of uncomfortableness with the activities of the Board and its staff.

Let me start out on a positive note. One of the questions that was asked was: "Do you feel that CASB operates as an aviation safety organization separate and independent from Transport Canada?" The vast majority, 24 to 1, said: "Yes". Another question asked was: "Do you believe that CASB is in a conflict of interest with Transport Canada?" Some 18 respondents stated that there was no conflict while 6 responded affirmatively. It is interesting to note that three of the six are from Transport Canada, two from commercial aviation and one from general aviation. It is not as if this was a bee in the bonnet of one group, it was spread throughout the industry. Thus it is safe to say, as is stated in the report's summary comments, that slightly under 25 per cent of respondents believe that Transport Canada and CASB